

OGC Has  
Reviewed

15 August 1974

MEMORANDUM FOR THE RECORD

SUBJECT: Inquiry from Civil Service Commission -- Durational  
Citizenship Requirement for CIA Employment

1. I received a call this date from Mr. Harry Gastley, General Counsel's Office, U.S. Civil Service Commission (CSC) (101-25421) concerning the above subject. [redacted] O/P Recruitment Division, STATINTL also received a call on this matter from a Mrs. Vickery on Chairman Hampton's staff (CSC). After Mr. Gastley and I had made several calls back and forth, the facts set out in the remainder of this memo came to light.

STATINTL  
STATINTL  
2. It seems that [redacted] has written to Senator Scott of Virginia complaining about the Agency's durational citizenship requirement for employment. [redacted] had previously written to Congressman Broyhill about the same matter and was answered by Mr. Cary, the Legislative Counsel. See OGC 74-1326. Senator Scott has not written to the Agency inquiring about this matter, however. Instead, he wrote to the Director, Federal Equal Employment Opportunity (FEEO), CSC, for assistance in answering his constituent. The Director, FEEO, Mr. Hudson, then asked Mr. Gastley for assistance with a response to Senator Scott.

3. After a discussion with Mr. Cary, I asked Mr. Gastley to send Senator Scott's inquiry to me so we could consider whether to respond to it or to provide CSC with the information to respond. Mr. Gastley informed me that FEEO considers these complaints to be sensitive and that it could not be sent to the Agency for a response. [redacted]

OGC  
STAT

4. Mr. Gastley discussed the regulation and statute with Mr. Hudson, Director, FEEEO, and stated that both he and Mr. Hudson feel our policy on durational citizenship is not subject to attack under the 1972 Amendments to the Equal Employment Opportunity Act or the CSC regulations thereunder. However, Mr. Gastley did "officially" request that we provide Mr. Hudson with a copy of our response to Congressman Broyhill so that their response to Senator Scott would be consistent with it.

STATINTL

STATINTL

5. I discussed the above with [redacted] OLC, on 16 August. Mr. [redacted] stated that Mr. Cary felt that the letter to Congressman Broyhill should not be sent to CSC and that OGC should send a short reply instead. I therefore have drafted a short reply to Mr. Gastley.

[redacted]

Office of General Counsel

STATINTL

cc: D/Pers